

11-30-06

IFH



Docket No.: 61506(71699)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Michael G. Goggins et al.

Application No.: 10/561,877 ✓

Confirmation No.: 1113

Filed: December 22, 2005

Art Unit: N/A

For: METHYLATED GENE BIOMARKERS  
FOR DETECTING CANCER

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

A concise explanation of relevance of the items listed on form PTO/SB/08 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 61506(71699). A duplicate copy of this paper is enclosed.

Dated: November 28, 2006

Respectfully submitted,

By 

Gregory B. Butler, Ph.D., Esq.

Registration No.: 34,558

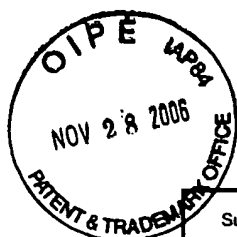
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PTO/SB/08A/B (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

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| Substitute for form 1449/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><i>(Use as many sheets as necessary)</i> |   |    | <b>Complete if Known</b> |                        |              |
|  |   |    | Application Number       | 10/561,877-Conf. #1113 |              |
|  |   |    | Filing Date              | December 22, 2005      |              |
|  |   |    | First Named Inventor     | Michael G. Goggins     |              |
|  |   |    | Art Unit                 | N/A                    |              |
|  |   |    | Examiner Name            | Not Yet Assigned       |              |
| Sheet  | 1 | of | 1                        | Attorney Docket Number | 61506(71699) |

| U.S. PATENT DOCUMENTS |                       |   |                                |  |   |
|-----------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials*    | Cite No. <sup>1</sup> | Document Number<br>Number-Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       |                       |   |                                |  |   |

| FOREIGN PATENT DOCUMENTS |                       |   |                  |   |   |                |
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| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T <sup>6</sup> |
|                          |                       | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) | MM-DD-YYYY       |   |   |                |
|                          | BA                    | WO-00/72679-A1  | 12-07-2000       | University of Virginia Patent Foundation        |   |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS |                       |   |                |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials               | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.                                     | T <sup>2</sup> |
|                                 | CA                    | SATO NORIHIRO ET AL. "SPARC/osteonection is a frequent target for aberrant methylation in pancreatic adenocarcinoma and a potential mediator of tumor-stromal interactions" Proceedings of the Annual Meeting of the American Association for Cancer Research, New York, NY, vol. 44, 14 July 2003. |                |
|                                 | CB                    | SATO NORIHIRO ET AL. "SPARC/osteonection is a frequent target for aberrant methylation in pancreatic adenocarcinoma and a mediator of tumor-stromal interactions" Oncogene. August 7, 2003, vol. 22, no. 32, XP002394202.   |                |
|                                 | CC                    | HENNESSY BRYAN T ET AL. "DNA Methylation in haematological malignancies: the role of decitabine," Expert Opinion on Investigational Drugs. December 2003, vol. 12, no. 12, XP002394206.   |                |
|                                 | CD                    | HAFNER ET AL., "A purine-rich sequence in the human BM-40 gene promoter region is a prerequisite for maximum transcription," Matrix Biology, Elsevier, vol. 14, no. 9, December 9, 2005, XP005161976..  |                |
|                                 | CE                    | Database Genbank NCBI; July 7, 2002 Hafner, M. et al., "H. sapiens BM-40 gene," XP002394219.  |                |
|                                 | CF                    | ULBRECHT, M, Supplementary Partial European Search Report for International Application PCT/US20004020535. September 5, 2006.   |                |

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

